

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**SECOND AMENDMENT ARMS,  
R. JOSEPH FRANZESE, individually  
and d/b/a SECOND AMENDMENT  
ARMS, and TONY KOLE,**

**Plaintiffs,**

**v.**

**CITY OF CHICAGO,  
LORI LIGHTFOOT,  
EDDIE JOHNSON,  
and ANNA VALENCIA,**

**Defendants.**

**Case No. 10 C 4257**

**Judge Robert M. Dow, Jr.**

**DEFENDANTS' NOTICE OF AUTHORITY**

Defendants, acting through their counsel, Celia Meza, Acting Corporation Counsel of the City of Chicago, hereby notify the Court of the United States Supreme Court's decision in *Uzuegbunam v. Preczewski*, No. 19-968, 592 U. S. \_\_\_\_, 141 S. Ct. 792 (2021), issued on March 8, 2021, and available at [https://www.supremecourt.gov/opinions/20pdf/19-968\\_8nj9.pdf](https://www.supremecourt.gov/opinions/20pdf/19-968_8nj9.pdf). In *Uzuegbunam*, the Court held that "a request for nominal damages satisfies the redressability element of standing where a plaintiff's claim is based on a completed violation of a legal right," and that standing may therefore exist in such a case where nominal damages is the "only" remedy sought. Slip. Op. at 3, 11. This holding effectively forecloses Defendants' argument, made in their Supplemental Briefing in Support of Their Motion for Summary Judgment Pursuant to the Court's March 10, 2020 Memorandum Opinion and Order, that Plaintiffs' challenge to the City's prior ban on gun stores is moot because the only possible relief available at this point is nominal damages. See Dkt. No 291, at 4-6. However, *Uzuegbunam* did not

address, and therefore does not impact, Defendants' alternative arguments for why nominal damages do not save Plaintiffs' claim from mootness – namely, that Plaintiffs have waived any request for nominal damages, and that prudential concerns weigh against allowing Plaintiffs to assert a claim for nominal damages at this stage of the case. *See id.* at 2-3, 6-8. Indeed, unlike Plaintiffs here, the *Uzuegbunam* plaintiffs explicitly requested nominal damages in both their original and amended complaint. *Uzuegbunam v. Preczewski*, 16-cv-04658-ELR, First Amended Verified Complaint, Dkt. 13 at 79 (N.D. GA. Feb. 15, 2017); *Uzuegbunam v. Preczewski*, 16-cv-04658-ELR, Verified Complaint, Dkt. 1 at 74 (N.D. GA. Dec. 19, 2016). Thus, the waiver and prudential issues Defendants raise here were not before the Court in *Uzuegbunam*.

Date: March 25, 2021

Respectfully submitted,

CELIA MEZA  
Acting Corporation Counsel of the City of Chicago

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